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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **CV12-08351DDP(PLA)**

12 **ANGEL URIBE and GUSTAVO URIBE**

**COMPLAINT**

13 Plaintiffs,

14  
15 v.

16 **ALL STATE CLEANING, CLASSEN**  
17 **ENTERPRISES INC. and CARLOS MUNGUIA**

18 Defendant.

1. Unlawful Employment  
Discrimination Based on Sex (Title VII)
2. Unlawful Employment  
Discrimination Based on Race (Title VII)
3. Unlawful Employment  
Discrimination Based on Sex (Cal. Govt. Code 12940)
4. Unlawful Employment  
Discrimination Based on Race (Cal. Govt. Code 12940)
5. Hostile Work Environment- Sexual Harassment (Title VII)
6. Hostile Work Environment- Sexual Harassment (Cal Govt. Code 12940)
7. Aiding and Abetting Sexual Harassment, Sex and Race Discrimination (Cal. Govt. Code 12940)
8. Failure to Prevent Discrimination and Harassment (Gov. Code §12940)
9. Violations of the Americans with Disabilities Act

**DEMAND FOR JURY TRIAL**

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**COMPLAINT**

**I. NATURE OF ACTION**

1. This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, the California Fair Employment and housing Act, California Government Code §§12940 et seq. (the "FEHA"), the Americans with Disabilities Act, 42 U.S.C. §12101 et seq., and other California statutory and common law theories to correct unlawful employment practices relating to sex, race, and disabilities and to provide appropriate relief to ANGEL URIBE and GUSTAVO URIBE who were adversely affected by such practices. This action is brought by current and former employees: ANGEL URIBE and GUSTAVO URIBE against defendants ALL STATE CLEANING ("ALL STATE"), CLASSEN ENTERPRISES INC. ("CLASSEN"), and individual defendant CARLOS MUNGUIA ("MUNGUIA")(collectively with corporate defendants "DEFENDANTS"). PLAINTIFF ANGEL URIBE (aka Paola Uribe) and GUSTAVO URIBE was subjected to a race discrimination based upon their race, ANGEL URIBE was subjected to sexual harassment by CARLOS MUNGUIA based upon her sex during her employment with ALL STATE'S predecessor company CLASSEN. As described below, ALL STATE is liable under the principles of successor liability. GUSTAVO URIBE was subjected to discrimination based upon his disabilities by ALL STATE'S predecessor company CLASSEN. As described below, ALL STATE is liable under the principles of successor liability.

**II. JURISDICTION AND VENUE**

2. PLAINTIFFS claims arise under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000(e), et seq ("Title VII") and 29. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§1331, 1337, and 1343(a)(4), the Americans With Disabilities Act, 42 U.S.C. 12101, and other provisions of Federal law. This Court has supplemental jurisdiction over PLAINTIFF'S claims brought under the California FEHA and other state statutory and common law remedies pursuant to 28 U.S.C. §1367. Injunctive and declaratory relief, damages and other appropriate legal and equitable relief are sought pursuant to 42 U.S.C. §2000e(f) and (g), as amended, and applicable provisions of California State law including, but not limited to FEHA. Jurisdiction in

1 this court is proper because the employment practices that PLAINTIFFS allege to be unlawful  
2 were and now being committed in California within the jurisdiction of the United States District  
3 Court for the Central District of California.

4  
5 **III. PARTIES**

6 3. Plaintiff ANGEL URIBE ("ANGEL") is a California resident. At all relevant times  
7 herein, ANGEL has been employed by Classen Enterprises as a non-exempt employee.

8 4. Plaintiff GUSTAVO URIBE ("GUSTAVO") is a California resident. At all  
9 relevant times herein, GUSTAVO has been employed by Classen Enterprises as a non-exempt  
10 employee.

11 5. On information and belief, DEFENDANT ALL STATE CLEANING, L.P. ("ALL  
12 STATE") is large facility services contractors with in excess of 100 employees and a Limited  
13 Partnership. On information and belief, ALL STATE is a successor in interest to Classen  
14 Enterprises Corporation. ALL STATE's website ([www.venturawaterdamage.com](http://www.venturawaterdamage.com)) which goes  
15 under the name "ServiceMaster Clean by T.A. Russell" provides a "about us" which states:

16 The Ventura location of ServiceMaster Clean has been in business locally  
17 since 1985. However, as of July 1, 2008, it is under the new ownership of  
18 the T.A. Russell franchise. Owners Todd Russell, Bruce Mason and Ben  
19 Russell own three additional franchises in Los Angeles, CA, Las Cruces,  
NM, and Albuquerque, NM. They have developed their businesses into the  
top Disaster Restoration businesses in the country.

20 ALL STATE workers such as PLAINTIFFS do all of the above-described janitorial work, and  
21 from which all of the profits obtained by ALL STATE for janitorial services are derived. On  
22 information and belief, Defendant ALL STATE is a successor company to Classen Enterprises  
23 because, among other reasons, most of the original employees of Classen Enterprises were hired by  
24 ALL STATE, most of the customer accounts were taken over, the Franchise agreement was  
25 assumed or taken over with the Corporate ServiceMaster corporation, Classen Enterprises have  
26 declared bankruptcy calling into question the ability of the predecessor to provide adequate relief  
27 directly, and Classen and ALL STATE were on notice of the claims in this suit prior to Classen's  
28 sale to ALL STATE because of the EEOC filings in this case. Furthermore, on information and

1 belief the business was sold by Classen Enterprises only after numerous employee lawsuits and  
2 complaints were filed including a wage and hour class action case and the underlying EEOC  
3 charge in this case and was sold for less than full value. The owner of Classen Enterprises  
4 immediately thereafter declared bankruptcy in an attempt to evade these clear liabilities. Classen  
5 Enterprises has since been dissolved according to the California Business Portal. The corporate  
6 transaction and subsequent bankruptcy appears intended to carry out a fraud by divesting employees  
7 of the opportunity to obtain wages owed and recovery for other damages to employees caused by  
8 Classen Enterprises. ALL STATE is listed on the California State Business Portal as being located  
9 on 2735 Teepee Drive Drive Suit E, Stockton California 95206. The Agent for Service of Process  
10 is listed as Blain F. Bibb, 2735 Teepee Drive Suite E, Stockton CA 95205. On information and  
11 belief, the CEO of ALL STATE is Blain Bibb who lists on his Linkedin Summary:

12 After graduating college in 1995 with a degree in finance and practicing real  
13 estate appraisal as a licensed appraiser in California, I took an unexpected  
14 career direction in the cleaning industry. I joined a fledgling ServiceMaster  
15 franchise in Merced California, then went to work for the franchisor and  
16 spent 10 years in various roles. With the ultimate goal of owning my own  
17 ServiceMaster business, I made the move in 2007 purchasing two  
18 commercial cleaning franchises in Stockton, CA and San Diego, CA. In  
19 2012, we expanded to Ventura/Oxnard, CA.

20 6. On information and belief, Defendant CLASSEN ENTERPRISES INC. is, or was, a  
21 large facility services contractor with in excess of 100 employees. The liabilities of CLASSEN  
22 ENTERPRISES have become the liabilities of ALL STATE CLEANING L.P. by means of  
23 successor liability as described above. Classen Enterprises is listed on the California Business  
24 Portal as "Dissolved" but has a business address of 2264 Goodyear Ave, Suite A, Ventura CA  
25 93003. The agent for service of process is Ron Classen and the agent's listed address is 4689  
26 Refugio Court, Camarillo CA 93012.

27 7. Except as noted above, at all relevant times, CLASSEN and SERVICEMASTER  
28 has continuously been an employer engaged in an industry affecting commerce within the meaning  
of Sections 701(b) (g) and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

8. On information and belief, at all relevant times, Classen and SERVICEMASTER  
have continuously been doing business in the State of California, and have had at least 15

1 employees.

2 9. Defendant CARLOS MUNGUIA ("MUNGUIA") is a resident of California.  
3 MUNGUIA sexually harassed ANGEL URIBE by physically attacking her.

4 10. PLAINTIFFS are ignorant of the true names and capacities of each Defendant sued  
5 as DOES 1 through 10, inclusively, and therefore Plaintiff sues said Defendants by fictitious  
6 names. PLAINTIFFS reserve the right to amend the complaint to name each DOE defendant  
7 individually or collectively as they become known. PLAINTIFFS allege that each DOE defendant  
8 was in some manner responsible for the acts and omissions alleged herein and PLAINTIFFS will  
9 amend the complaint to allege such responsibility when the same shall have been ascertained by  
10 PLAINTIFFS.

11 11. All of the acts and failures to act alleged herein were duly performed by and  
12 attributable to all DOES, each acting as a successor, agent, alter ego, employee, indirect employer,  
13 joint employer, integrated enterprise and/or or under the direction and control of the other DOES  
14 and named Defendants, except as specifically alleged otherwise. Said acts and failures to act were  
15 within the scope of such agency and/or employment, and each DOE participated in, approved  
16 and/or ratified the unlawful acts and omissions by the other DOES and Defendants complained of  
17 herein. Whenever and wherever reference is made in this Complaint to any act by a DOE or  
18 DOES, such allegations and reference shall also be deemed to mean the acts and failures to act of  
19 each DOE and named Defendants acting individually, jointly, and/or severally.

20  
21 **IV. STATEMENT OF CLAIMS**

22 12. Prior to the institution of this lawsuit, ANGEL URIBE and GUSTAVO URIBE  
23 employee filed charges with the EEOC alleging violations of Title VII and the by DEFENDANTS.  
24 The Commission has issued a right to sue permitting Plaintiffs to sue DEFENDANTS. All  
25 conditions precedent to the institution of this lawsuit have been fulfilled and this suit has been filed  
26 timely.

27 13. DEFENDANTS have engaged in unlawful employment practices and in a pattern of  
28

1 such practices in violation of Section 703 and 707 of Title VII, 42 U.S.C. §2000e-2, by subjecting  
2 ANGEL URIBE to a sexually harassing hostile environment. The sexually harassing behavior was  
3 perpetrated by supervisor CARLOS MUNGUIA and included, but was not limited to the  
4 following: unwelcome touching, sexual assault, explicit sexual commentary. Supervisor CARLOS  
5 MUNGUIA repeatedly sexually assaulted ANGEL URIBE, made sexually assertive comments to  
6 ANGEL URIBE, groped her private parts with his hands, and finally attempted to physically force  
7 her to have sex.

8 14. The effect of the practices complained of above has been to deprive ANGEL  
9 URIBE of equal employment opportunities and otherwise adversely affect her status as an  
10 employee, because of her sex.

11 15. The unlawful employment practices complained of above were and are willful  
12 within the meaning of §706(f)(1) and (3), 706(g)(1), and 707 of Title VII, 42 U.S.C., §2000e-5(f)(1)  
13 and (3), (g)(1), and 2000e-6.

14 16. The unlawful employment practices complained of above were and are intentional  
15 and provides ANGEL URIBE a claim of emotional injury for damages ordinarily associated with a  
16 conventional claim for pain and suffering.

17 17. The unlawful employment practices complained of above were and are done with  
18 malice or with reckless indifference to the federally protected rights of ANGEL URIBE.

19 18. Defendant also paid employees unequally based upon their race. In particular,  
20 Hispanic employees were paid substantially less than equally qualified and situated Anglo  
21 employees. Both ANGEL URIBE and GUSTAVO URIBE were affected by this practice and  
22 harmed monetarily and in otherways and provides PLAINTIFFS with a claim of emotional injury  
23 for damages ordinarily associated with a conventional claim for pain and suffering.. These  
24 practices were willful and unlawful under Title VII and under the FEHA.

25 19. Defendant also failed to provide a reasonable accommodation to Gustavo URIBE  
26 for his documented disability which included an inability to work with Bleach. Defendants'  
27 refusal to provide the reasonable accommodation was knowing and purposeful and violated the  
28 Americans with Disabilities Act as described herein.

20. All references to emotion distress or other claims for harm to the emotional state of either Plaintiff refers to the emotional distress that a typical or normal employee under the circumstances at issue in the complaint would endure and therefore no actual issue of the mental state of ANGEL URIBE or GUSTAVO URIBE is at issue or alleged in this complaint. PLAINTIFFS' claim of emotional injury is for damages ordinarily associated with a conventional claim for pain and suffering.

**A. FIRST CLAIM FOR RELIEF: UNLAWFUL EMPLOYMENT DISCRIMINATION BASED ON SEX (TITLE VII, 42 U.S.C. §2000E-2(A)(L))**

21. PLAINTIFF ANGEL URIBE hereby incorporates by reference each and every allegation contained in the above paragraphs of this complaint as though fully set forth herein.

22. Defendants unlawfully discriminated against ANGEL URIBE based on her sex in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-16.

23. Defendants treated PLAINTIFF ANGEL URIBE less favorably than similarly situated male employees, subjecting them to discrimination terms and conditions of their employment in violation of Title VII of the Civil Rights Act of 1964, as amended, including, but not limited to degrading comments, criticism of their work for not accepting the sexual advances of CARLOS MUNGUIA, conditioning of work and work privileges upon sexual favors to CARLOS MUNGUIA. Additionally, Defendants subjected ANGEL URIBE to unwelcome sexual advances, unwelcome sexual touching, sexual assault, comments, insults and degrading and humiliating conduct and/or failed to take steps reasonably calculated to end the sexual harassment of and discrimination against ANGEL URIBE as described above.

24. Defendants' acts of discrimination against ANGEL URIBE on the basis of sex were wanton, willful and intentional, and were committed with malicious and reckless disregard of the rights and sensibilities of ANGEL URIBE.

25. As a direct and proximate result of the aforesaid discrimination based on ANGEL URIBE's sex, ANGEL URIBE has sustained a loss of earnings and other benefits. She also has



1 suffered physical injuries and emotional distress, and emotional distress manifested by feelings of  
2 humiliation, embarrassment, anxiety, nervousness and other symptoms of stress. PLAINTIFFS'  
3 claim of emotional injury is for damages ordinarily associated with a conventional claim for pain  
4 and suffering.

5 26. WHEREFORE, ANGEL URIBE requests relief as hereinafter provided.

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7 **B. SECOND CLAIM FOR RELIEF: UNLAWFUL EMPLOYMENT**  
8 **DISCRIMINATION BASED ON RACE (TITLE VII, 42 U.S.C. §2000E-2(A))**

9 27. PLAINTIFFS ANGEL URIBE and GUSTAVO URIBE hereby incorporates by  
10 reference each and every allegation contained in the above paragraphs of this complaint as though  
11 fully set forth herein.

12 28. Defendants unlawfully discriminated against PLAINTIFFS ANGEL URIBE and  
13 GUSTAVO based on their race in violation of Title VII of the Civil Rights Act of 1964.

14 29. Defendants treated ANGEL URIBE and GUSTAVO URIBE less favorably than  
15 similarly situated ANGLO employees, subjecting them to discrimination terms and conditions of  
16 their employment in violation of Title VII of the Civil Rights Act of 1964, as amended, including,  
17 but not limited to paying less to Hispanic employees for the same work conducted by employees  
18 with the same relevant qualifications and failing to promote in the same manner as Anglo  
19 employees.

20 30. Defendants' acts of discrimination against ANGEL URIBE and GUSTAVO URIBE  
21 on the basis of race were wanton, willful and intentional, and were committed with malicious and  
22 reckless disregard of the rights and sensibilities of the ANGEL URIBE and GUSTAVO URIBE.

23 31. As a direct and proximate result of the aforesaid discrimination based on ANGEL  
24 URIBE and GUSTAVO URIBE's race, ANGEL URIBE and GUSTAVO URIBE have sustained a  
25 loss of earnings and other benefits.

26 32. WHEREFORE, ANGEL URIBE and GUSTAVO URIBE request relief as  
27 hereinafter provided.  
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**C. THIRD CLAIM FOR RELIEF: UNLAWFUL EMPLOYMENT DISCRIMINATION  
BASED ON SEX (CALIFORNIA GOVERNMENT CODE §12940(A))**

33. ANGEL URIBE hereby incorporates by reference each and every allegation contained above of this complaint as though fully set forth herein.

34. At all times material hereto, Defendants owed ANGEL URIBE a duty not to discriminate against them in the terms and conditions of their employment on the basis of her sex as mandated by the Fair Employment and Housing Act, Government Code Section 12940(a).

35. In violation of the aforesaid duty, Defendants treated ANGEL URIBE less favorably than similarly situated male employees, subjecting them to discrimination in working conditions, benefits, and in other terms and conditions of their employment including, but not limited to: degrading comments, sexual assault, and criticism of their work for not accepting the sexual advances of supervisor CARLOS MUNGUIA. Additionally, Defendants subjected ANGEL URIBE to unwelcome sexual advances, unwelcome sexual touching, comments, insults and degrading and humiliating conduct and/or failed to take steps reasonably calculated to end the sexual harassment of and discrimination against ANGEL URIBE as described above.

36. Defendants' decisions to take the adverse actions against ANGEL URIBE including, but not limited to those described in the previous paragraph, were wanton, willful and intentional, and were committed with malicious and reckless disregard for the rights and sensibilities of ANGEL URIBE.

37. As a direct and proximate result of the aforesaid discrimination based on sex, Plaintiffs have sustained harm including emotional stress and the loss of compensation, including but not limited to, wages and other benefits that she otherwise would have received.

38. Defendants, acting individually and/or by and through their managing agents, officers or directors, committed the acts herein alleged maliciously, fraudulently, and oppressively, with the wrongful intention of injuring ANGEL URIBE, and acted with an improper and evil motive amounting to malice, and in conscious disregard of ANGEL URIBE's rights. Accordingly, ANGEL URIBE is entitled to recover punitive damages from Defendants in an amount according to proof.

1 39. ANGEL URIBE is entitled to recover attorneys' fees under Government Code  
2 section 12940, et sea. or any other law providing for recovery of attorneys' fees.

3 40. WHEREFORE, ANGEL URIBE requests relief as hereinafter provided.  
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5 **D. FOURTH CLAIM FOR RELIEF: UNLAWFUL EMPLOYMENT**  
6 **DISCRIMINATION BASED ON RACE (CALIFORNIA GOVERNMENT CODE**  
7 **§12940(A))**

8 41. ANGEL URIBE and GUSTAVO URIBE hereby incorporates by reference each  
9 and every allegation contained above of this complaint as though fully set forth herein.

10 42. At all times material hereto, Defendants owed ANGEL URIBE and GUSTAVO  
11 URIBE a duty not to discriminate against them in the terms and conditions of their employment on  
12 the basis of their race as mandated by the Fair Employment and Housing Act, Government Code  
13 Section 12940(a).

14 43. In violation of the aforesaid duty, Defendants treated ANGEL URIBE and  
15 GUSTAVO URIBE less favorably than similarly situated Anglo employees, subjecting them to  
16 discrimination in working conditions, benefits, and in other terms and conditions of their  
17 employment including, but not limited to: lower pay and fewer promotion opportunities. All race  
18 discrimination was conducted by the owners, managers or supervisors of ANGEL URIBE and  
19 GUSTAVO URIBE.

20 44. Defendants' decisions to take the adverse actions against ANGEL URIBE and  
21 GUSTAVO URIBE including, but not limited to those described in the previous paragraph, were  
22 wanton, willful and intentional, and were committed with malicious and reckless disregard for the  
23 rights and sensibilities of ANGEL URIBE and GUSTAVO URIBE.

24 45. As a direct and proximate result of the aforesaid discrimination based on sex,  
25 Plaintiffs have sustained harm including loss of compensation, including but not limited to, wages  
26 and other benefits that they otherwise would have received.

27 46. Defendants, acting individually and/or by and through their managing agents,  
28 officers or directors, committed the acts herein alleged maliciously, fraudulently, and oppressively,

1 with the wrongful intention of injuring ANGEL URIBE and GUSTAVO URIBE, and acted with  
2 an improper and evil motive amounting to malice, and in conscious disregard of ANGEL URIBE  
3 and GUSTAVO URIBE's rights. Accordingly, ANGEL URIBE and GUSTAVO URIBE are  
4 entitled to recover punitive damages from Defendants in an amount according to proof.

5 47. ANGEL URIBE and GUSTAVO URIBE are entitled to recover attorneys' fees  
6 under Government Code section 12940, et sea. or any other law providing for recovery of  
7 attorneys' fees.

8 48. WHEREFORE, ANGEL URIBE and GUSTAVO URIBE requests relief as  
9 hereinafter provided.

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11 **E. FIFTH CLAIM FOR RELIEF: HOSTILE ENVIRONMENT SEXUAL**  
12 **HARASSMENT (TITLE VII, 42 U.S.C. § 2000E-2(A)(L))**

13 49. ANGEL URIBE hereby incorporate by reference each and every allegation stated  
14 above as though fully set forth herein.

15 50. This action is brought under Title VII of the Civil Rights Act of 1964, as amended,  
16 42 U.S.C.A. § 2000 et seq. ANGEL URIBE is a woman and as such is a member of a group  
17 protected under TITLE VII from discrimination on the basis of sex.

18 51. Defendants violated ANGEL URIBE's rights under Title VII by subjecting ANGEL  
19 URIBE to unwelcome sexual comments and acts and permitting and encouraging a work  
20 environment in which ANGEL URIBE was subjected to ridicule, harassment, discrimination and  
21 intimidation because of her sex, unwelcome sexual advances, unwelcome sexual touching,  
22 comments, insults and degrading and humiliating conduct by supervisor CARLOS MUNGUIA.

23 52. ANGEL URIBE did not welcome the conduct described above and advised  
24 Defendants or Defendants knew that such conduct was not welcome.

25 53. Defendants' aforesaid acts of harassment were wanton, willful and intentional, and  
26 were committed with malicious and reckless disregard for the rights and sensibilities of ANGEL  
27 URIBE.

28 54. Defendants participated in creating and maintaining a hostile work environment and

1 failed to investigate, stop, or prevent the incidents of sexual harassment even after Defendants'  
2 employees gave notice of such incidents.

3 55. As a direct and proximate result of the aforesaid harassment based on sex, ANGEL  
4 URIBE has sustained injury in the form of emotional distress, humiliation, embarrassment,  
5 physical injury and mental anguish, all to their damage in amounts to be established at trial.

6 56. The harassment adversely affected the ANGEL URIBE's psychological well-being.

7 57. The harassment unreasonably interfered with ANGEL URIBE's work performance.

8 58. The harassment to which ANGEL URIBE was subjected to would affect the  
9 psychological well-being and unreasonably interfere with the work performance of a reasonable  
10 person of ANGEL URIBE's sex.

11 59. Sexual harassment was sufficiently widespread, pervasive, and prevalent at the  
12 workplace of Defendants and at all times pertinent hereto to charge Defendants with constructive  
13 notice of it.

14 60. Prior to filing a charge with the EEOC, ANGEL URIBE gave Defendants notice of  
15 sexual harassment.

16 61. Defendants failed to investigate ANGEL URIBE's complaints.

17 62. Defendants failed to take adequate remedial action.

18 63. Following ANGEL URIBE's complaints and the response of Defendants the  
19 harassment of ANGEL URIBE continued.

20 64. Defendants had the power to alter or affect the terms and conditions of the  
21 employment of ANGEL URIBE by firing, transferring, altering their work schedule and/or  
22 evaluating their work performance and by discharging CARLOS MUNGUIA.

23 65. Defendants had the power to alter or affect the terms and conditions of the  
24 employment ANGEL URIBE by firing, transferring, altering their work schedules and/or  
25 evaluating their work performance.

26 66. Supervisor and Defendant CARLOS MUNGUIA was acting within his scope of  
27 employment.

28 67. Defendants acted with malice and with reckless indifference to PLAINTIFF civil

1 rights and emotional and physical well-being.

2 68. WHEREFORE, ANGEL URIBE requests relief as hereinafter provided.

3 **F. SIXTH CLAIM FOR RELIEF: HOSTILE WORK ENVIRONMENT SEXUAL**  
4 **HARASSMENT (CALIFORNIA GOVERNMENT CODE § 12940)**

5 69. ANGEL URIBE hereby incorporates by reference each and every allegation  
6 contained above of this complaint as though fully set forth herein.

7 70. ANGEL URIBE is a woman. Defendants subjected them to unwelcome sexual  
8 advances, unwelcome sexual touching, comments, insults and degrading and humiliating conduct  
9 as described above and/or failed to take steps reasonably calculated to end the sexual harassment of  
10 ANGEL URIBE.

11 71. Defendants' aforesaid unwelcome sexual comments and acts were so severe or  
12 pervasive that they created a hostile work environment and adversely affected the terms and  
13 conditions of ANGEL URIBE's employment based on their sex, in violation of the Fair  
14 Employment and Housing Act, Government Code §12940(j).

15 72. Defendants' aforesaid acts of harassment were wanton, willful and intentional, and  
16 were committed with malicious and reckless disregard for the rights and sensibilities of ANGEL  
17 URIBE.

18 73. As a direct and proximate result of the aforesaid harassment based on sex, ANGEL  
19 URIBE's has sustained injuries in the form of emotional stress of the type described in paragraph  
20 \_\_\_ above, and the loss of compensation, including but not limited to wages and other benefits that  
21 she otherwise would have received.

22 74. Defendants, acting individually and/or by and through their managing agents,  
23 officers or directors, committed the acts herein alleged maliciously, fraudulently, and oppressively,  
24 with the wrongful intention of injuring ANGEL URIBE, and acted with an improper and evil  
25 motive amounting to malice, and in conscious disregard of ANGEL URIBE's rights. Accordingly,  
26 ANGEL URIBE is entitled to recover punitive damages from Defendants in an amount according  
27 to proof.

28 75. ANGEL URIBE are entitled to recover attorneys' fees under Government Code

1 section 12940, et seq. or any other law providing for recovery of attorneys' fees.

2 76. WHEREFORE, ANGEL URIBE requests relief as hereinafter provided.

3 **G. SEVENTH CLAIM FOR AIDING AND ABETTING SEXUAL HARASSMENT, SEX**  
4 **AND RACE DISCRIMINATION (CALIFORNIA GOVERNMENT CODE §12940(I))**

5 77. ANGEL URIBE and GUSTAVO URIBE hereby incorporates by reference each and  
6 every allegation contained above of this complaint as though fully set forth herein.

7 78. In perpetrating the above-described actions and omissions, Defendants as  
8 employers, their agents, servants and/or employees, engaged in a pattern and practice of unlawful  
9 aiding and abetting of harassment, discrimination, and retaliation, in violation of the California Fair  
10 Employment and Housing Act, California Government Code §12940.

11 79. Defendants, their agents, servants and/or employees, attempted to and did in fact,  
12 aid, abet, incite, compel and/or coerce their agents, servants and/or employees to engage in  
13 unlawful sexual harassment, sex and/or gender discrimination, and race discrimination against the  
14 PLAINTIFF, as alleged above.

15 80. As a direct and proximate result of the aforesaid harassment and discrimination  
16 based on sex and race, ANGEL URIBE and GUSTAVO URIBE have sustained injury.

17 81. Defendants' acts were wanton, willful and intentional, and were committed with  
18 malicious and reckless disregard for the rights and sensibilities of ANGEL URIBE and GUSTAVO  
19 URIBE.

20 82. WHEREFORE, ANGEL URIBE and GUSTAVO URIBE request relief as  
21 hereinafter provided.

22 **H. EIGHTH CLAIM FOR RELIEF FAILURE TO PREVENT DISCRIMINATION**  
23 **AND HARASSMENT, (CALIFORNIA GOVERNMENT CODE §12940)**

24 83. ANGEL URIBE and GUSTAVO URIBE hereby incorporate by reference each and  
25 every allegation contained above.

26 84. Defendants and/or their agents and/or employees, failed to take all reasonable steps  
27 necessary to prevent the harassment and discrimination in employment described herein from  
28 occurring. Defendants knew or should have known of the sex and race discrimination against

1 ANGEL URIBE and GUSTAVO URIBE described above, yet failed to conduct an adequate  
2 investigation into the nature and substance of the discrimination and failed to take immediate and  
3 appropriate corrective action so as to discipline any of the offenders.

4 85. The response of Defendants, and/or that of their agents and employees, to the  
5 discrimination and harassment described herein was so inadequate as to establish a deliberate  
6 indifference to, or tacit authorization of, the alleged offensive practices, and an affirmative causal  
7 link existed between Defendants' inaction and the injuries suffered by ANGEL URIBE and  
8 GUSTAVO URIBE

9 86. By failing to take all reasonable steps necessary to prevent discrimination, and by  
10 failing to properly investigate and remedy the discrimination that occurred, Defendants committed  
11 unlawful employment practices as described in and prohibited by California Government Code  
12 §12940(k).

13 87. In engaging in the aforementioned conduct, Defendants, and each of them, aided,  
14 abetted, incited, compelled, and/or coerced unlawful employment practices in violation of the  
15 announced policy of this State against such practices.

16 88. As a direct and foreseeable result of the aforesaid acts of said Defendants, ANGEL  
17 URIBE and GUSTAVO URIBE have lost and will continue to lose income and benefits in an  
18 amount to be proven at the time of trial. ANGEL URIBE and GUSTAVO URIBE claim such  
19 amount as damages together with pre-judgment interest pursuant to Civil Code section 3287 and/or  
20 any other provision of law providing for pre-judgment interest.

21 89. As a result of the aforesaid acts of Defendants, ANGEL URIBE and GUSTAVO  
22 URIBE claim general damages for emotional distress of the type described in paragraph \_\_ above  
23 in an amount to be proven at the time of trial.

24 90. Defendants, acting individually and/or by and through their managing agents,  
25 officers or directors, committed the acts herein alleged maliciously, fraudulently, and oppressively,  
26 with the wrongful intention of injuring ANGEL URIBE and GUSTAVO URIBE, and acted with  
27 an improper and evil motive amounting to malice, and in conscious disregard ANGEL URIBE and  
28 GUSTAVO URIBE's rights. Accordingly, ANGEL URIBE and GUSTAVO URIBE are entitled to



1 recover punitive damages from Defendants in an amount according to proof.

2 91. ANGEL URIBE and GUSTAVO URIBE are entitled to recover attorneys' fees  
3 under California Government Code §12940, et seq., or any other law providing for recovery of  
4 attorneys' fees.

5 92. WHEREFORE, ANGEL URIBE and GUSTAVO URIBE request relief as  
6 hereinafter provided.

7  
8 **I. NINTH CLAIM FOR RELIEF: VIOLATIONS OF THE AMERICANS WITH  
9 DISABILITIES ACT (42 USC 12101 ET SEQ)**

10 93. ANGEL URIBE and GUSTAVO URIBE hereby incorporate by reference each and  
11 every allegation contained above.

12 94. GUSTAVO URIBE requested from Defendants reasonable accommodation for his  
13 disabilities which included an inability to work around bleach.

14 95. Defendants refused to accommodate his request and forced him to

15 96. On information and belief, Defendants are subject to the requirements of the ADA  
16 as defined by 42 USC §12101 because they meet the standards for an "Employer" because they  
17 continuously had more than 25 employees for more than 20 calendar weeks during the time period  
18 in question.

19 **V. PRAYER FOR RELIEF**

20 WHEREFORE, PLAINTIFFS respectfully pray that this Court:

21 1. Award PLAINTIFFS compensatory damages including lost wages and benefits  
22 according to proof;

23 2. Award PLAINTIFFS emotional distress damages in an amount that a typical or  
24 normal person would sustain for the damages caused by Defendants' actions;

25 3. Award PLAINTIFFS civil penalties as provided by statute;

26 4. Award PLAINTIFFS punitive and exemplary damages according to proof;

27 5. Award PLAINTIFF'S attorney fees and costs, including expert witness fees;

28 Pursuant to 42 U.S.C. §2000e-5(k) and California law.

1           6.     Award PLAINTIFFS prejudgment interest on all amounts claimed; and award  
2 PLAINTIFFS any other relief that this Court may deem proper

3           7.     All damages which individual PLAINTIFFS have sustained as a result of  
4 Defendants' conduct.

5           8.     A preliminary and permanent injunction against Defendants and their directors,  
6 officers, owners, agents, successors, employees and representatives, and any and all persons acting  
7 in concert with them, requiring them to:

- 8                 - Desist from engaging in each of the unlawful practices, policies, customs  
9                 and usages set forth herein;  
10                - Adopt a lawful policy for preventing and remedying unlawful  
11                harassment and discrimination that creates an effective process for the  
12                investigation and resolution of harassment and discrimination complaints  
13                and forbids unlawful retaliation against complainants; and  
14                - Create a monitoring and reporting system to ensure that injunctive relief  
15                is fully implemented;

16           9.     A declaratory judgment that the practices complained of in this complaint are  
17 unlawful and violate Title VII of the Civil Rights Act of 1964, 42 U.S.C. 5 2000(e), et seq. and  
18 California Law.

19           10.    Costs of litigation incurred by PLAINTIFFS, including reasonable attorneys' fees,  
20 to the extent allowable by law;

21           11.    Pre- and post-judgment interest, as provided by law, in amounts according to proof;  
22 and

23           12.    Such other and further legal and equitable relief as this Court deems necessary, just  
24 and proper.

25           13.    Order Defendants to institute and carry out policies, practices, and programs which  
26 provide equal employment opportunities for women, and which eradicate the effects of its past and  
27 present unlawful employment practices.

28           14.    Grant such further relief as the Court deems necessary and proper in the public  
interest.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand trial of their claims by jury to the extent authorized by law.

Dated: September 26, 2012

LAW OFFICES OF MALLISON & MARTINEZ

By: \_\_\_\_\_

Stan S. Mallison  
Hector R. Martinez  
Marco A. Palau  
Joseph D. Sutton

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Dean D. Pregerson and the assigned discovery Magistrate Judge is Paul Abrams.

The case number on all documents filed with the Court should read as follows:

**CV12- 8351 DDP (PLAx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Marco A. Palau (SBN 242340)  
Mallison & Martinez  
Attorneys At Law  
1939 Harrison Street, Suite 730  
Oakland, California 94612  
510-832-9999

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Angel Uribe and Gustavo Uribe

PLAINTIFF(S)

v.

ALL STATE CLEANING, CLASSEN  
ENTERPRISES INC. and CARLOS MUNGUIA

DEFENDANT(S).

CASE NUMBER

CV12-08351

DDP(PAL)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Marco A. Palau, Mallison & Martinez, whose address is 1939 Harrison Street, Suite 730, Oakland, California, 94612. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

JULIE PRADO

By:

Deputy Clerk

(Seal of the Court)



1154

Dated: September 27, 2012

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Marco A. Palau (SBN 242340)  
Mallison & Martinez  
Attorneys At Law  
1939 Harrison Street, Suite 730  
Oakland, California 94612  
510-832-9999

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Angel Uribe and Gustavo Uribe

CASE NUMBER

PLAINTIFF(S)

CV12-08351 DDP1PLA1

v.

ALL STATE CLEANING, CLASSEN  
ENTERPRISES INC. and CARLOS MUNGUA

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Marco A. Palau, Mallison & Martinez, whose address is 1939 Harrison Street, Suite 730, Oakland, California, 94612. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: September 27, 2012

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Angel Uribe and Gustavo Uribe

PLAINTIFF(S)

v.

ALL STATE CLEANING, CLASSEN  
ENTERPRISES INC. and CARLOS MUNGUIA

DEFENDANT(S).

CASE NUMBER

CV12-08351

DDP(PLA)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Marco A. Palau, Mallison & Martinez, whose address is 1939 Harrison Street, Suite 730, Oakland, California, 94612. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

JULIE PRADO

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)



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Dated: September 27, 2012

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]



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Oakland, California 94612  
510-832-9999

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Angel Uribe and Gustavo Uribe

CASE NUMBER

PLAINTIFF(S)

CV12-08351 DDP/PLA

v.

ALL STATE CLEANING, CLASSEN  
ENTERPRISES INC. and CARLOS MUNGUIA

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Marco A. Palau, Mallison & Martinez, whose address is 1939 Harrison Street, Suite 730, Oakland, California, 94612. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: September 27, 2012

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Angel Uribe and Gustavo Uribe

PLAINTIFF(S)

v.

ALL STATE CLEANING, CLASSEN  
ENTERPRISES INC. and CARLOS MUNGUIA

DEFENDANT(S).

CASE NUMBER

CV12-08351

DDP(PAL)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Marco A. Palau, Mallison & Martinez, whose address is 1939 Harrison Street, Suite 730, Oakland, California, 94612. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

JULIE PRADO

By:

Deputy Clerk

(Seal of the Court)



1154

Dated: September 27, 2012

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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Oakland, California 94612  
510-832-9999

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Angel Uribe and Gustavo Uribe

CASE NUMBER

PLAINTIFF(S)

CV12-08351 DDP1PLA1

v.

ALL STATE CLEANING, CLASSEN  
ENTERPRISES INC. and CARLOS MUNGUIA

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Marco A. Palau, Mallison & Martinez, whose address is 1939 Harrison Street, Suite 730, Oakland, California, 94612. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: September 27, 2012

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Angel Uribe and Gustavo Uribe	<b>DEFENDANTS</b> All State Cleaning, Classen Enterprises, Inc. and Carlos Munguia
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Mallison & Martinez 1939 Harrison St., Suite 730 Oakland, CA 94612 510.832.9999	<b>Attorneys (If Known)</b>

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:33%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF		PTF	DEF																				
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

☒ 1 Original Proceeding    
 ☐ 2 Removed from State Court    
 ☐ 3 Remanded from Appellate Court    
 ☐ 4 Reinstated or Reopened    
 ☐ 5 Transferred from another district (specify): \_\_\_\_\_    
 ☐ 6 Multi-District Litigation    
 ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No

**MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Title VII and Govt. Code 12940

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>URBAN PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE PENALTIES</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Tide XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV 12-08351

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note: In land condemnation cases, use the location of the tract of land involved.**

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_ *- V* Date 9-26-12

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))